

A. G. Contract No.KR94 2982TRN  
ECS File No.: JPA 94-256  
Project: P4494 01P  
Section: Bicycle Safety

**INTERGOVERNMENTAL AGREEMENT**

BETWEEN

THE STATE OF ARIZONA

AND

THE CITY OF PAGE

THIS AGREEMENT is entered into 1 February, 1995,  
pursuant to Arizona Revised Statutes, Sections 11-951 through  
11-954, as amended, between the STATE OF ARIZONA, acting by and  
through its DEPARTMENT OF TRANSPORTATION (the "State") and THE  
CITY OF PAGE, acting by and through its MAYOR and CITY COUNCIL  
(the "City").

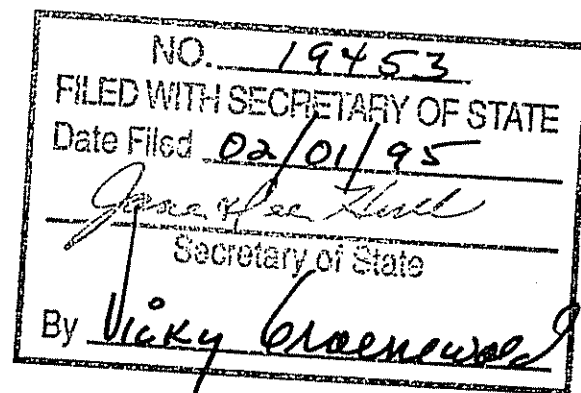
I. RECITALS

1. The State is empowered by Arizona Revised Statutes  
Section 28-108 and 28-112 to enter into this agreement and has  
by resolution, a copy of which is attached hereto and made a  
part hereof, resolved to enter into this agreement and has  
delegated to the undersigned the authority to execute this  
agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes  
Section 48-572 to enter into this agreement and has by  
resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and authorized  
the undersigned to execute this agreement on behalf of the City.

3. The Federal Highway Administration has provided  
planning and research (SPR) State administered grant funds for  
various safety programs, including, but not limited to, bicycle  
safety education and related applications. The State has  
evaluated and approved a grant in the amount of \$800.00 for the  
City.

THEREFORE, in consideration of the mutual agreements expressed  
herein, it is agreed as follows:



## II. SCOPE

### 1. The City will:

a. Invoice the State for grant funds in the amount of \$800.00. Be responsible for any program costs over and above the State's grant contribution.

b. Expend grant funds in substantial conformance with the goals and objectives of the grant application provided to the State.

### 2. The State will:

Within thirty (30) days after receipt and approval of an invoice, pay the City \$800.00.

## III. MISCELLANEOUS PROVISIONS

1. The only interest of the Department of Transportation in the program is to convey federal pass through funds for the use and benefit of the City by reason of state law under which funds for the program are authorized to be expended. Should the program not be completed, be partially completed, or be completed at a lower cost than the State's grant contribution, or for any other reason should any of these grant funds not be expended, a proportionate amount of the funds provided under this agreement shall be reimbursed to the State. The City agrees to indemnify and save harmless the State, or any of its departments, agencies, officers or employees, from and against all loss, expense, damage or claim of any nature whatsoever which is caused by any activity, condition or event arising out of the performance or non-performance by the State of any of the provisions of this agreement.

2. This agreement shall remain in force and effect until completion of said program and payment; provided, however, that this agreement may be cancelled at any time prior to the commencement of performance under this contract, upon thirty (30) days written notice to the other party.

3. This agreement shall become effective upon filing with the Secretary of State.

4. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

5. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

6. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth in Arizona Revised Statutes Section 12-1518.

7. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

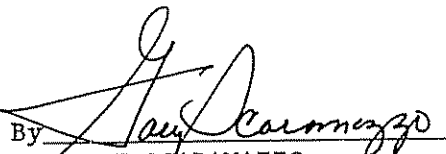
Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007

City of Page  
City Manager  
697 Vista Avenue  
Page, AZ 86040

8. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.


IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF PAGE

By   
GARY SCARAMAZZO  
Mayor

STATE OF ARIZONA

Department of Transportation

By   
HARRY A. REED, Director  
Transportation Planning  
Division

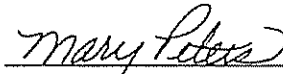
ATTEST

By   
KAYE FINDLAY  
City Clerk

RESOLUTION

BE IT RESOLVED on this 29th day of November 1994, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Transportation Planning Division, to enter into agreements with various political subdivisions and bicycle safety groups for the purpose of promoting bicycle safety and/or training.

Therefore, authorization is hereby granted to draft said agreements which, upon completion, shall be submitted for approval and execution by the Director, Transportation Planning Division.



LARRY S. BONINE  
Director

RESOLUTION NO. 655-95

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF  
THE CITY OF PAGE, COCONINO COUNTY, ARIZONA  
ACCEPTING A GRANT OFFER OF THE STATE OF ARIZONA  
THROUGH THE ARIZONA DEPARTMENT OF TRANSPORTATION,  
HIGHWAYS DIVISION, IN THE AMOUNT OF \$800.00.

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE  
CITY OF PAGE, COCONINO COUNTY, ARIZONA:

**Section 1.** That the City Council of the City of Page, Coconino County, Arizona, shall accept the grant offer of the State of Arizona through the Highways Division of the Arizona Department of Transportation in the amount of \$ 800.00, for the purpose of a bicycle safety program.

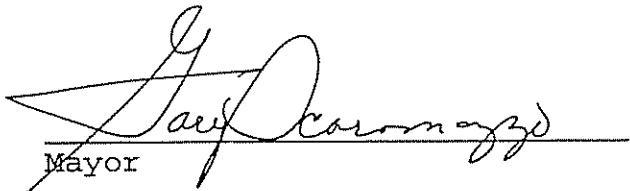
**Section 2.** That the Mayor of the City of Page, Coconino County, Arizona is hereby authorized and directed to sign the grant agreement on behalf of the Common Council of the City of Page, Coconino County, Arizona; and the City Clerk is hereby authorized and directed to witness the signature of the Mayor on the aforesaid grant agreement.

**Section 3.** That the grant offer referred to herein is hereby incorporated as part hereof as though fully set forth herein.

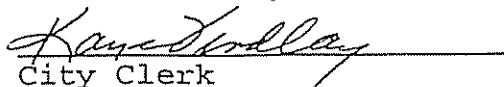
PASSED AND ADOPTED by the Mayor and Common Council of  
the City of Page, Coconino County, Arizona, this 12 day of  
January, 1995 by the following vote:

Ayes	<u>7</u>
Nays	<u>0</u>
Abstentions	<u>0</u>
Absent	<u>0</u>

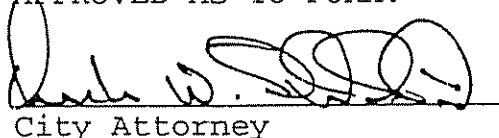
CITY OF PAGE

  
Mayor

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
City Attorney

ATTORNEY APPROVAL

I have reviewed the attached agreement pursuant to A.R.S. 11-952 and declare this agreement to be in proper form and within the powers and authority granted to the City of Phoenix under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties to enter into said agreement.

DATED this 14<sup>th</sup> day of December 1994

Frank W. [Signature]



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS  
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025  
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT  
DETERMINATION

A. G. Contract No. KR94-2982-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 24<sup>th</sup> day of January, 1995.

GRANT WOODS  
Attorney General

JAMES R. REDPATH  
Assistant Attorney General  
Transportation Section

JRR:ggt  
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